

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Cable TV and Telecommunication Utilities

Proposed New Rules: N.J.A.C. 14:10-1A.14 through 1A.20 and 4.2; and 14:18-2.13 through 2.18 and 7.10

Proposed Amendments: N.J.A.C. 14:10-1.2 and 14:18-1.2 and 3.18

Authorized By: New Jersey Board of Public Utilities, Christine Guhl-Sadovy, President, Dr. Zenon Christodoulou, Michael Bange, Joseph Coviello, and Emma Rebhorn, Commissioners.

Authority: P.L. 2023, c. 293 (N.J.S.A. 48:3-122 through 48:3-127).

Calendar Reference: See Summary below for an explanation of the exception to the calendar requirement.

BPU Docket Number: TX25100573.

Proposal Number: PRN 2026-027.

The deadline for comments on this matter is 5:00 P.M. ET on June 19, 2026. Please submit comments directly by using the Board of Public Utilities' Public Document Search tool, search for the specific docket listed above, and post by utilizing the "Post Comments" button. Comments may also be submitted through email or mail. Please include subject matter and docket number and submit to:

Sherri L. Lewis
Secretary of the Board
44 South Clinton Ave., 1st Floor
PO Box 350
Trenton, NJ 08625-0350
Attn: BPU Docket Number: TX25100573
Email: board.secretary@bpu.nj.gov
Phone: 609-292-1599

All comments are considered "public documents" for purposes of the State's Open Public Records Act. Commenters may identify information that they seek to keep confidential by submitting it in accordance with the confidentiality procedures set forth at N.J.A.C. 14:1-12.3.

The agency proposal follows:

Summary

P.L. 2023, c. 293 (the Act), codified at N.J.S.A. 48:3-122 through 127, was signed into law on January 16, 2024. The Act concerns maintenance and use standards for above-ground cables or wires attached to poles, buildings, or other structures, used or useful for the provision of any telecommunications service or cable television service, and any associated equipment or facility. The Act defines what constitutes an "abandoned" line and specifies the responsibilities of entities regarding the marking of

lines and the removal of abandoned lines. Furthermore, the Act allows various entities and members of the public to submit requests for the removal of any line suspected to be abandoned to either the New Jersey Board of Public Utilities (Board) or the entity which owns the line. The Act also establishes penalties for non-compliance, including potential fines. Finally, the Act authorizes the Board to promulgate rules and regulations necessary for its implementation.

The proposed rules outline the process for requests for removal of suspected abandoned telecommunications and cable lines, as well as the process for submittal of reports to the Board from entities that own cable television or telecommunications cables or wires in the State. The proposed rules also require entities to affix markings to their lines to ensure lines are clearly and easily identifiable.

On November 6, 2025, Board staff issued a straw proposal and requested stakeholder comments. Written stakeholder comments were received on December 5, 2025, from Brightspeed, Optimum Communications Inc., Spectrum New Jersey, LLC (and its parent company, Charter Communications Inc.), and Verizon New Jersey, Inc.

As the Board has provided a 60-day comment period on this notice of proposal, the proposed notice is excepted from the rulemaking calendar requirement set forth at N.J.A.C. 1:30-3.3(a)(5).

Following is a section-by-section summary of the proposed new rules and amendments to N.J.A.C. Title 14, Chapters 10 and 18:

Chapter 10

At N.J.A.C. 14:10-1.2, the Board proposes to add new definitions for the following terms, which are used in the new provisions: "abandoned line," "Board," "Director," "entity," "line," "maintained in a safe condition," "overlashed," and "utility."

At new N.J.A.C. 14:10-1A.14, Line identification, the Board proposes a process for entities owning lines attached to buildings or structures in the State to submit to the Board, the entity's graphical markings to be used to identify the entity's ownership of a line, as required pursuant to the Act. In order to ensure that markings are visible and easily identifiable, the section includes requirements for entities to replace markings upon degradation. Additionally, the section sets forth the requirements for marking lines installed by any entity, including, as required by the Act, that entities mark any new lines installed or any existing, unmarked lines discovered by the entity in the course of its work.

At new N.J.A.C. 14:10-1A.15, Line removal request to an entity, the Board proposes the process by which an owner of a pole, building, or other structure to which a suspected abandoned line is connected may submit a request to the entity owning the suspected abandoned line for its removal as provided for in the Act. The section provides the form and manner in which requests are to be submitted to the entity owning a suspected abandoned line. In order to ensure that owners are able to easily submit such requests, the section specifies that requests may be submitted through the entity's website, as required pursuant to the Act.

At new N.J.A.C. 14:10-1A.16, Line removal request to the Board, the Board proposes the process by which any person, municipality, utility, or

corporation in the State may submit a request to the Board for the removal of any suspected abandoned line. The section provides the form and manner in which requests are to be submitted to the Board and specifies that the Board shall transmit requests to the entity that owns the line within five days as required pursuant to the Act.

At new N.J.A.C. 14:10-1A.17, Employee or subcontractor to report abandoned lines, the Board proposes requirements for employees of, or subcontractors engaged by an entity, owning lines in the State who are responsible for installing lines or responding to service calls to report certain lines they encounter during the normal course of their work which they reasonably believe to be abandoned to their employer. The section provides instructions on how the employee or subcontractor is to report the suspected abandoned line to their employer and instructs the employee or subcontractor to remove the line if they are authorized to do so by their employer or the entity by whom the subcontractor is engaged.

At new N.J.A.C. 14:10-1A.18, Line removal obligation of entities, the Board proposes the process that an entity owning lines that are attached to buildings or structures in the State must follow if it receives a request to remove a suspected abandoned line pursuant to N.J.A.C. 14:10-1A.15, 1A.16, or 1A.17. The section requires an entity owning lines in the State to remove lines from all points of attachment if it ceases to do business in the State, unless the entity has transferred ownership of the line to another entity.

At new N.J.A.C. 14:10-1A.19, Notice of line removal rights, the Board proposes requirements for entities to provide annual written notices to each customer regarding their line removal rights and where information regarding these rights can be found. In order to ensure that the notices meet the requirements of the Act, the section also requires entities to file for approval with the Board, the notice they plan to disseminate to their customers, except where entities provided notices to each customer using the same method as the entity provides a bill to the customer.

At new N.J.A.C. 14:10-1A.20, Violations of abandoned line provision, the Board proposes a process for the issuance of penalties for the failure of an entity owning lines in the State to adhere to the abandoned line requirements at N.J.A.C. 14:10-1A.14 through 1A.18, the notice requirements at N.J.A.C. 14:10-1A.19, or the associated reporting requirements at N.J.A.C. 14:10-4.2.

At new N.J.A.C. 14:10-4.2, Quarterly abandoned lines reports, the Board proposes requirements for every entity to submit quarterly written reports to the Board regarding suspected abandoned lines. The form will be detailed in a Board Order and entities will be required to make submissions through the Board's website.

Chapter 18

At N.J.A.C. 14:18-1.2, the Board proposes to add new definitions for the following terms, which are used in the new provisions: "abandoned line," "Board," "entity," "line," "maintained in a safe condition," "overlashed," and "utility."

At new N.J.A.C. 14:18-2.13, Line identification, the Board proposes a process for entities owning lines attached to buildings or structures in the State to submit to the Board the entity's graphical markings to be used to identify the entity's ownership of a line, as required pursuant to the Act. In order to ensure that markings are visible and easily identifiable, the section includes requirements for entities to replace markings upon degradation. Additionally, the section sets forth the requirements for marking new lines installed by any entity, including, as required pursuant to the Act, that entities mark any new lines installed or any existing, unmarked lines discovered by the entity in the course of its work.

At new N.J.A.C. 14:18-2.14, Line removal request to an entity, the Board proposes the process by which an owner of a pole, building, or other structure to which a suspected abandoned line is connected may submit a request to the entity owning the suspected abandoned line for its removal as provided for in the Act. The section provides the form and manner in which requests are to be submitted to the entity owning a suspected abandoned line. In order to ensure that owners are able to easily submit such requests, the section specifies that requests may be submitted through the entity's website, as required pursuant to the Act.

At new N.J.A.C. 14:18-2.15, Line removal request to the Board, the Board proposes the process by which any person, municipality, utility, or corporation in the State may submit a request to the Board for the removal

of any suspected abandoned line. The section provides the form and manner in which requests are to be submitted to the Board and specifies that the Board shall transmit requests to the entity that owns the line within five days as required pursuant to the Act.

At new N.J.A.C. 14:18-2.16, Employee or subcontractor to report abandoned lines, the Board proposes requirements for employees of, or subcontractors engaged by an entity, owning lines in the State who are responsible for installing lines or responding to service calls to report certain lines they encounter during the normal course of their work which they reasonably believe to be abandoned to their employer. The section provides instructions on how the employee or subcontractor is to report the suspected abandoned line to their employer and instructs the employee or subcontractor to remove the line if they are authorized to do so by their employer or the entity by whom the subcontractor is engaged.

At new N.J.A.C. 14:18-2.17, Line removal obligations of entities, the Board proposes the process that an entity owning lines that are attached to buildings or structures in the State must follow if it receives a request to remove a suspected abandoned line pursuant to N.J.A.C. 14:18-2.14, 2.15, or 2.16. The section requires an entity owning lines in the State to remove lines from all points of attachment if it ceases to do business in the State, unless the entity has transferred ownership of the line to another entity.

At existing N.J.A.C. 14:18-3.18, Periodic notices to customers, the Board proposes amendments to add requirements for entities to provide annual written notices to each customer regarding their line removal rights and where information regarding these rights can be found. In order to ensure that the notices meet the requirements of the Act, the section also requires entities to file for approval with the Board, the notice they plan to disseminate to their customers, except where entities provide notices to each customer using the same method as the entity provides a bill to the customer.

At new N.J.A.C. 14:18-2.18, Violations of abandoned line provisions, the Board proposes a process for the issuance of penalties for the failure of an entity owning lines in the State to adhere to the abandoned line requirements at N.J.A.C. 14:18-2.13, 2.14, 2.15, 2.16, and 2.17, the notice requirements at N.J.A.C. 14:18-3.18(e) and (f), or the associated reporting requirements at N.J.A.C. 14:10-4.2.

At new N.J.A.C. 14:18-7.10, Quarterly abandoned line reports, the Board proposes requirements for every entity to submit quarterly written reports to the Board regarding suspected abandoned lines. The form will be detailed in a Board Order and entities will be required to make submissions through the Board's website.

Social Impact

The proposed new rules and amendments will have a beneficial social impact because they set forth procedures that will result in corrective measures for hanging and potentially tangled groupings of lines that are no longer in service. The primary impetus is to optimize safety to linesmen and the general public and improve accessibility for line workers performing maintenance, thus expediting maintenance and repair times. Abandoned lines also add unnecessary weight to poles and structures and increase damage due to wind and snow burdens on associated structures. Hanging and tangled abandoned lines may also have an unsightly appearance, which is a detriment to neighborhood aesthetics. The proposed rulemaking, accordingly, has the potential to improve aesthetics and increase public safety by setting forth the procedures by which requests can be made for the removal of any suspected abandoned line.

Economic Impact

The new rules themselves are not likely to have a significant economic impact because they simply codify requirements for the entities which are already in effect pursuant to the Act. However, the Act may result in added costs incurred by entities owning lines deemed to be "abandoned," as well as the investigation of whether lines are abandoned. If a line is determined to be "abandoned," the entity will incur administrative, labor, and equipment costs associated with removal of the abandoned line, or other corrective measures employed to ensure compliance with these rules. For entities with large inventories of legacy copper or unused attachments, the aggregate cost can be substantial. Additionally, the administrative costs to implement investigation and compliance mechanisms can add further costs to entities owning lines in New Jersey. While the Board may incur

some costs in monitoring compliance with the rules, the rules will have no adverse economic impact on the Board.

Federal Standards Statement

N.J.S.A. 52:14B-1 et seq., requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document, a Federal standards analysis. The proposed amendments and new rules are not promulgated pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, the proposed amendments and new rules do not exceed the standards or requirements imposed by Federal law and are not promulgated to comply with a Federal requirement.

Jobs Impact

The rulemaking does not independently have an impact on jobs because it merely codifies and clarifies statutory requirements that are already in effect. The Board, however, anticipates that the Act, and accordingly, the proposed rulemaking, may result in the creation of new jobs, but not the loss of existing jobs. In the short to medium term, it is expected that the workload for pole crews, utility technicians, and line workers may increase to address abandoned lines, but demand will taper off over time once identified abandoned lines in the State are addressed; subsequently, issues related to abandoned lines will become more maintenance related. In addition, the continued effective and efficient operation of utilities in New Jersey supports thousands of direct, local, in-State jobs. The income that individuals and families earn from these in-State jobs contributes significantly to the New Jersey economy. The proposed rule changes are not expected to have any impact on the number of jobs currently supported by New Jersey utilities. The proposed amendments and proposed new rules will not have an impact on any other sector of the economy of the State of New Jersey.

Agriculture Industry Impact

The proposed amendments and new rules will have no impact on the agricultural industry.

Regulatory Flexibility Analysis

Most entities to which the proposed amendments and new rules would apply are not small businesses as defined in the New Jersey Regulatory Flexibility Act (RFA), N.J.S.A. 52:14B-16 et seq. To the extent that any of these entities are small businesses, the rules will impose some recordkeeping, reporting, and other compliance requirements on these small businesses, in that the rulemaking will require affected entities to file quarterly reports with the Board which detail their compliance with various abandoned line requirements, as required pursuant to N.J.S.A. 48:3-122 through 48:3-127. The rulemaking requires affected entities to investigate reports of abandoned lines and remove lines that are deemed abandoned. The proposed new rules and amendments also impose an obligation to provide a graphic mark or include a corporate symbol or other distinguishing characteristic for approval, as well as to affix the approved mark to their lines pursuant to certain circumstances. The proposed rules also require entities to provide customers with periodic notice of their rights pursuant to N.J.S.A. 48:3-122 through 48:3-127. The compliance requirements pursuant to this rulemaking are justified by the statutory requirements at N.J.S.A. 48:3-122 through 48:3-127, which require all entities that own lines in New Jersey, regardless of size, to employ certain policies to reduce the number of abandoned lines in New Jersey.

Housing Affordability Impact Analysis

The proposed amendments and new rules will not have an impact on the affordability of housing in New Jersey. The proposed amendments and new rules will not evoke a change in the average costs associated with housing since the scope of the rules is limited to the procedures for reporting, marking, and removal of potential abandoned lines.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will not have an impact on achieving the goal of smart growth and the implementation of the State Development and Redevelopment Plan in New Jersey. As the scope of the rules is limited to the regulation of the utility industry, local utilities and

local units, municipalities, and individuals having ownership of lines, there is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement

The proposed amendments and new rules will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in New Jersey. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 10
TELECOMMUNICATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

14:10-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

“Abandoned line” means any line that:

- 1. Is not terminated at both ends to equipment or to a customer’s premises;**
- 2. Is not maintained in a safe condition;**
- 3. Is not intended for future use; or**
- 4. Has not been in operation for a period of at least 24 consecutive months, and the owner of a structure to which the line is attached has submitted a request for removal of the line pursuant to N.J.S.A. 48:3-124.**

The term **“abandoned line”** shall not include any line that is overlashed.

“Board” means the New Jersey Board of Public Utilities.

“Director” means the Director of the Office of Cable Television.

“Entity,” as used at N.J.A.C. 14:10-1A.14 through 14:10-1A.20 and 4.2, means a person, municipality, utility, or corporation having ownership of a line in this State, including ownership acquired by sale or corporate merger.

“Line” means an above-ground cable or wire attached to a pole, building, or other structure, used or useful for the provision of any telecommunications service or cable television service including, but not limited to, a copper telephone line, and shall include any equipment or facility associated with that line attached to that pole, building, or other structure.

“Maintained in a safe condition” means any time in which the state of a line is in compliance with any applicable rules and regulations adopted by the Board concerning plant and facility construction, which rules shall include N.J.A.C. 14:5-2.1, 14:10-1A.12, and 14:18-2.1, as applicable, as well as any other successor rules.

“Overlashing” means the tying, draping, twisting, wrapping, or otherwise physically attaching of new or additional lines to other lines or support strands already existing and physically secured to poles, buildings, or other structures.

“Utility” means any “public utility” as defined at N.J.S.A. 48:2-13, or “local utility” as defined at N.J.S.A. 40:55D-4.

SUBCHAPTER 1A. TELEPHONE UTILITIES

14:10-1A.14 [(Reserved)] Line identification

(a) Each entity owning lines that are attached to buildings or structures within the State shall, no later than (90 days after the

effective date of this rulemaking), file with the Secretary of the Board, graphical line markings, which may consist of the initials of the entity's name, an abbreviation of the entity's name, a corporate symbol, or other distinguishing mark or code. Any entity that comes into ownership of lines that are attached to buildings or structures within the State later than (90 days after the effective date of this rulemaking), shall file its graphical line markings no later than 30 days after taking ownership of the lines. An entity shall ensure that:

1. Its markings are clearly visible, durable to withstand weather conditions, and enable line ownership to be readily and definitively identified.

2. During the regular course of maintenance of any line, an entity shall have the duty to replace unclear markings that make line ownership harder to identify.

(b) All new lines installed by any entity shall clearly display a marking by which ownership may be readily and definitively identified.

(c) Markings shall be attached to the end of the line affixed to the building or structure.

(d) An entity that performs work on, or otherwise discovers, an unmarked line that it owns or maintains shall mark the line with its marking in accordance with (c) above. This subsection does not require an entity to affirmatively search for unmarked lines.

(e) If the Director determines that a graphical line marking submitted by an entity owning lines that are attached to buildings or structures within the State pursuant to (a) above fails to readily distinguish ownership of the line, the Director may require the entity to submit a revised graphical line marking.

14:10-1A.15 [(Reserved)] Line removal request to an entity

(a) The owner of a pole, building, or other structure to which a suspected abandoned line is attached may send a request to the entity owning that line to request that the entity remove the suspected abandoned line.

(b) Every request for removal of a suspected abandoned line by owners of a pole, building, or structure shall be submitted through the entity's website using a standard form prescribed by Board Order, which form shall include, but need not be limited to, the following information:

1. The number, address, or latitude and longitude of the associated pole;
2. A photograph of the abandoned line;
3. The date the request was submitted by the owner;
4. The requestor's name;
5. The requestor's address; and
6. The requestor's contact information.

14:10-1A.16 [(Reserved)] Line removal request to the Board

(a) Any person, municipality, utility, or corporation in the State may send a request to the Board for the removal of any suspected abandoned line.

(b) Every request to the Board for removal of a suspected abandoned line shall be submitted through the Board's website on a standard form prescribed by Board Order. The standard form shall include, but need not be limited to, the following information:

1. The number, address, or latitude and longitude of the associated pole;
2. A photograph of the abandoned line;
3. The date the request was submitted;
4. The requestor's name;
5. The requestor's address; and
6. The requestor's contact information.

(c) No later than five business days after receiving a request, the Board shall transmit a written copy of the request to the entity that owns the line unless the Board is unable to identify the entity that owns the line.

14:10-1A.17 Employee or subcontractor to report abandoned lines

(a) Each employee or subcontractor of an entity who is responsible for installing lines or responding to service calls shall have an

affirmative duty to report any line that they encounter during the course of their employment that they reasonably believe to be under the ownership of the entity for whom they are engaged in work, and that they reasonably suspect to be abandoned.

(b) The employee or subcontractor shall make the report to the entity as soon as practicable, and shall include sufficient details to identify the location and condition of the suspected abandoned line in the report.

(c) If an employee or subcontractor discovers an abandoned line during the normal course of their work that they reasonably believe is owned by the entity for whom they are engaged in work, the employee or subcontractor shall remove the line if they are authorized to do so by their employer or the entity.

14:10-1A.18 Line removal obligations of entities

(a) Any entity owning lines that are attached to buildings or structures within the State that receives a request to remove a suspected abandoned line pursuant to N.J.A.C. 14:10-1A.15, 1A.16, or 1A.17 shall:

1. No later than 30 days after receiving the request, conduct an investigation to determine whether the line is abandoned; and

2. If the entity determines that the line is abandoned, no later than 30 days after the date of such determination, either correct the condition causing the line to be abandoned or remove that line from all points of attachment.

(b) When an entity that owns one or more lines in the State ceases to do business in the State, the entity shall remove each line from all points of attachment unless the entity has transferred ownership of the line to another entity and the line is not otherwise deemed to be abandoned.

14:10-1A.19 Notice of line removal rights

(a) No later than (30 days after the effective date of this rulemaking), each entity shall file with Board staff, a written notice that informs customers, in clear and conspicuous language, that the rights of the customer pursuant to P.L. 2023, c. 293 (N.J.S.A. 48:3-122 through 48:3-127) can be found on the entity's official Internet website.

(b) An entity owning lines that are attached to buildings or structures within the State that plans to make modifications to the notice submitted pursuant to (a) above shall file the amended notice with Board staff.

(c) If the Director determines that the written notice submitted by an entity owning lines that are attached to buildings or structures within the State pursuant to (a) or (b) above fails to adequately inform customers, in clear and conspicuous language, that the rights of the customer pursuant to P.L. 2023, c. 293 (N.J.S.A. 48:3-122 through 48:3-127) can be found on the entity's official Internet website, the Director may require the entity to submit a revised written notice.

(d) Thirty days after submission of the entity's written notice, and annually thereafter, each entity shall provide the written notice to each customer of the entity.

14:10-1A.20 Violations of abandoned line provisions

(a) If an entity owning lines in the State fails to adhere to the requirements at N.J.A.C. 14:10-1A.14, 1A.15, 1A.16, 1A.18, and 1A.19, or the associated reporting requirements at N.J.A.C. 14:10-4.2, the entity may be subject to a fine.

(b) Before the Board imposes a fine pursuant to this section, Board staff shall provide the entity with written notice of the alleged violation.

(c) In the written notice, Board staff shall inform the entity that it has 30 calendar days to either cure the alleged violation or demonstrate that it has not committed the alleged violation.

(d) If the entity does not cure the violation or demonstrate that no violation exists within 30 calendar days of receiving the written notice, the Board may impose a maximum fine of \$500.00 for each day in which the violation exists, beginning on the 31st calendar day after receipt of the written notice of an alleged violation.

(e) In determining whether to impose a fine and, if appropriate, in determining the amount of the fine, the Board may consider the following factors:

1. The nature, circumstances, and magnitude of the violation(s);
2. The entity's history of prior violations during the prior three-year period;
3. Any good faith efforts by the entity to cure the violation within the 30-day period;
4. All extenuating circumstances that arose following receipt of the notice; and/or
5. Any other considerations that the Board may deem appropriate.

SUBCHAPTER 4. NON-FINANCIAL REPORTING REQUIREMENTS

14:10-4.2 [(Reserved)] Quarterly abandoned lines reports

(a) No later than (90 days after the effective date of this rulemaking), and quarterly thereafter, each entity owning lines in the State shall submit to the Board, through the Board's website, a written report regarding abandoned lines on a standard form prescribed by Board Order.

(b) In the report, the entity shall provide a description of all notifications, complaints, and requests concerning a suspected abandoned line received by the entity from the period covered in the previous report, including all reports and notifications received from employees of the entity or the entity's subcontractors pursuant to N.J.A.C. 14:10-1A.17.

(c) For each notification, complaint, or request, the entity shall include in the report:

1. The date on which the entity received the notification, complaint, or request;
2. The manner in which the notification, complaint, or request was received;
3. The entity's determination as to whether the line was abandoned and the basis for that determination;
4. A description and date of all actions taken by the entity with respect to the line, including any actions to remove, overlash, or mark the line; and
5. Any other information required by the Board in the standard form.

(d) An officer of the entity shall certify the accuracy of the submittals required pursuant to this section.

CHAPTER 18
REGULATIONS OF CABLE TELEVISION

SUBCHAPTER 1. GENERAL PROVISIONS

14:18-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Abandoned line" means any line that:

1. Is not terminated at both ends to equipment or to a customer's premises;
2. Is not maintained in a safe condition;
3. Is not intended for future use; or
4. Has not been in operation for a period of at least 24 consecutive months, and the owner of a structure to which the line is attached has submitted a request for removal of the line pursuant to N.J.S.A. 48:3-124.

The term "abandoned" shall not include any line that is overlashed.

"Board" means the New Jersey Board of Public Utilities[, as defined by N.J.S.A. 48:1-1 et seq].

"Entity," as used at N.J.A.C. 14:18-2.13 through 2.18, 3.18(e) and (f), and 7.10, means a person, municipality, utility, or corporation having ownership of a line in this State, including ownership acquired by sale or corporate merger.

"Line" means an above-ground cable or wire attached to a pole, building, or other structure, used or useful for the provision of any telecommunications service or cable television service including, but not limited to, a copper telephone line, and shall include any equipment or facility associated with that line attached to that pole, building, or other structure.

"Maintained in a safe condition" means any time in which the state of a line is in compliance with any applicable rules adopted by the Board concerning plant and facility construction, which rules shall include N.J.A.C. 14:5-2.1, 14:10-1A.12, and 14:18-2.1, as applicable, as well as any other successor rules.

"Overlashing" means the tying, draping, twisting, wrapping, or otherwise physically attaching of new or additional lines to other lines or support strand already existing and physically secured to poles, buildings, or other structures.

"Utility" means any "public utility" as defined at N.J.S.A. 48:2-13, or "local utility" as defined at N.J.S.A. 40:55D-4.

SUBCHAPTER 2. PLANT

14:18-2.13 Line identification

(a) Each entity owning lines that are attached to buildings or structures within the State shall, no later than (90 days after the effective date of this rulemaking), file with the Secretary of the Board, graphical line markings, which may consist of the initials of the entity's name, an abbreviation of the entity's name, a corporate symbol, or other distinguishing mark or code. Any entity which comes into ownership of lines which are attached to buildings or structures within the State after (90 days after the effective date of this rulemaking), shall file its graphical line markings no later than 30 days after taking ownership of the lines. An entity shall ensure that:

1. Its markings are clearly visible, durable to withstand weather conditions, and enable line ownership to be readily and definitively identified.
2. During the regular course of maintenance of any line, an entity shall have the duty to replace unclear markings that make line ownership unascertainable.

(b) All new lines installed by any entity shall clearly display a marking by which ownership may be readily and definitively ascertained.

(c) Markings shall be attached to the end of the line affixed to the building or structure.

(d) An entity that performs work on, or otherwise discovers, an unmarked line that it owns or maintains shall mark the line with its marking in accordance with (c) above. This subsection does not require an entity to affirmatively search for unmarked lines.

(e) If the Director determines that a graphical line marking submitted by an entity owning lines that are attached to buildings or structures within the State pursuant to (a) above fails to readily distinguish ownership of the line, the Director may require the entity to submit a revised graphical line marking.

14:18-2.14 Line removal request to an entity

(a) The owner of a pole, building, or other structure to which a suspected abandoned line is attached may send a request to the entity owning that line to request that the entity remove the suspected abandoned line.

(b) Every request for removal of a suspected abandoned line by owners of a pole, building, or structure shall be submitted through the entity's website using a standard form prescribed by Board Order, which form shall include, but need not be limited to, the following information:

1. The number, address, or latitude and longitude of the associated pole;
2. A photograph of the abandoned line;
3. The date the request was submitted by the owner;
4. The requestor's name;
5. The requestor's address; and

6. The requestor's contact information.

14:18-2.15 Line removal request to the Board

(a) Any person, municipality, utility, or corporation in the State may send a request to the Board for the removal of any suspected abandoned line.

(b) Every request to the Board for removal of a suspected abandoned line shall be submitted through the Board's website on a standard form prescribed by Board Order. The standard form shall include, but need not be limited to, the following information:

1. The number, address, or latitude and longitude of the associated pole;
2. A photograph of the abandoned line;
3. The date the request was submitted;
4. The requestor's name;
5. The requestor's address; and
6. The requestor's contact information.

(c) No later than five business days after receiving a request, the Board shall transmit a written copy of the request to the entity that owns the line unless the Board is unable to identify the entity that owns the line.

14:18-2.16 Employee or subcontractor to report abandoned lines

(a) Each employee or subcontractor of an entity who is responsible for installing lines or responding to service calls shall have an affirmative duty to report any line that they encounter during the course of their employment that they reasonably believe to be under the ownership of the entity for whom they are engaged in work, and that they reasonably suspect to be abandoned.

(b) The employee or subcontractor shall make the report to the entity as soon as practicable, and shall include sufficient details to identify the location and condition of the suspected abandoned line in the report.

(c) If an employee or subcontractor discovers an abandoned line during the normal course of their work that they reasonably believe is owned by the entity for whom they are engaged in work, the employee or subcontractor shall have an affirmative duty to remove the line if they are authorized to do so by their employer or the entity.

14:18-2.17 Line removal obligations of entities

(a) Any entity owning lines that are attached to buildings or structures within the State that receives a request to remove a suspected abandoned line pursuant to N.J.A.C. 14:18-2.14, 2.15, or 2.16 shall:

1. No later than 30 days after receiving the request, conduct an investigation to determine whether the line is abandoned.
2. If the entity determines that the line is abandoned, no later than 30 days after the date of such determination, either correct the condition causing the line to be abandoned or remove that line from all points of attachment.

(b) When an entity that owns one or more lines in the State ceases to do business in the State, the entity shall remove each line from all points of attachment unless the entity has transferred ownership of the line to another entity and the line is not otherwise deemed to be abandoned.

14:18-2.18 Violations of abandoned line provisions

(a) If an entity owning lines in the State fails to adhere to the requirements at N.J.A.C. 14:18-2.13, 2.14, 2.15, 2.17, and 3.18(e) and (f), or the associated reporting requirements at N.J.A.C. 14:18-7.10, the entity may be subject to a fine.

(b) Before the Board imposes a fine pursuant to this section, Board staff shall provide the entity with written notice of the alleged violation.

(c) In the written notice, Board staff shall inform the entity that it has 30 calendar days to either cure the alleged violation or demonstrate that it has not committed the alleged violation.

(d) If the entity does not cure the violation or demonstrate that no violation exists within 30 days of receiving the written notice, the Board may impose a maximum fine of \$500.00 for each day in which the violation exists, beginning on the 31st calendar day after receipt of the written notice of an alleged violation.

(e) In determining whether to impose a fine and, if appropriate, in determining the amount of the fine, the Board may consider the following factors:

1. The nature, circumstances, and magnitude of the violation(s);
2. The entity's history of prior violations during the prior three-year period;
3. Any good faith efforts by the entity to cure the violation within the 30-day period;
4. All extenuating circumstances that arose following receipt of notice; and/or
5. Any other considerations that the Board may deem appropriate.

SUBCHAPTER 3. CUSTOMER RIGHTS

14:18-3.18 Periodic notices to customers

(a)-(d) (No change.)

(e) No later than (30 days after the effective date of this rulemaking), each entity shall file with Board staff, a written notice that informs customers, in clear and conspicuous language, that the rights of the customer pursuant to P.L. 2023, c. 293 (N.J.S.A. 48:3-122 through 48:3-127) can be found on the entity's official Internet website.

(f) An entity owning lines that are attached to buildings or structures within the State that plans to make modifications to its notice submitted pursuant to (e) above shall file the amended notice with Board staff.

(g) If the Director determines that the written notice submitted by an entity owning lines that are attached to buildings or structures within the State pursuant to (e) or (f) above fails to adequately inform customers, in clear and conspicuous language, that the rights of the customer pursuant to P.L. 2023, c. 293 (N.J.S.A. 48:3-122 through 48:3-127) can be found on the entity's official Internet website, the Director may require the entity to submit a revised written notice.

(h) Thirty days after submission of the entity's written notice, and annually thereafter, each entity shall provide the approved notice to each customer of the entity.

SUBCHAPTER 7. REPORTS AND FILINGS

14:18-7.10 Quarterly abandoned line reports

(a) No later than (90 days after the effective date of this rulemaking), and quarterly thereafter, each entity owning lines in the State shall submit to the Board, through the Board's website, a written report regarding abandoned lines on a standard form prescribed by Board Order.

(b) In the report, the entity shall provide a description of all notifications, complaints, and requests concerning a suspected abandoned line received by the entity since the period covered in the previous report, including all reports and notifications received from employees of the entity or the entity's subcontractors pursuant to N.J.A.C. 14:18-2.16. For each notification, complaint, or request, the entity shall include in the report:

1. The date on which the entity received the notification, complaint, or request;
2. The manner in which the notification, complaint, or request was received;
3. The entity's determination as to whether the line was abandoned and the basis for that determination;
4. A description and date of all actions taken by the entity with respect to the line, including any actions to remove, overlash, or mark the line; and
5. Any other information required by the Board in the standard form.

(c) An officer of the entity shall certify the accuracy of the submittals required pursuant to this section.